

Children's Court Improvement Commission

2017 Annual Report

As submitted to the

Supreme Court of New Mexico

Through the

Administrative Office of the Courts

Administered by

Ezra Spitzer and Judge Jennifer DeLaney, Co-Chairs

and

Sarah Jacobs, AOC Staff Attorney

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A Message from the Co-Chairs

Dear Colleagues,

This past year has been one of great growth and promise by the Children's Court Improvement Commission. The Commission began to fully embrace and operationalize its new structures and expand its capacity to achieve our mission. The work of our committees became focused over the course of the year and will continue to be the engine behind this work. To support this work, members of our Leadership Team took several trips this year to access technical assistance, better understand some of the challenges facing our systems, and understand how other jurisdictions address those challenges.

The work of the Commission continued to be focused on several distinct areas. Our Protective Services Committee has examined how to meaningfully address the backlog of termination of parental rights cases, as well as additional ways to decrease the time to adoption. One interesting question that has been raised concerns New Mexico's particularly low utilization of permanent guardianships to reach permanency. Guardianship might be a more prudent planning choice than the over-utilization of TPR and adoption in many cases.

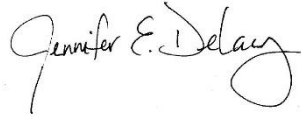
Another priority of the Commission is finding ways to improve parent representation and parental engagement. This particular challenge is not a new one, though research continues to show it should be among the most pressing issues that can have lasting positive impacts on the system. Our Juvenile Justice Committee has been aggressively pursuing ways to better understand youth that are involved with both our protective services system and our juvenile justice system. The Commission wants to better understand how and when this contact happens to build a system that not only better serves these youth, but eventually also provides more timely interventions to prevent crossing from one system to another.

Another area of concern for the Commission is the loss of academic credits by children and youth who are impacted by our systems. We are concerned that when young people enter care mid-school year and are moved to another school or a facility, they do not receive partial credits for the work they have already completed. Our Education Committee is working to convene stakeholders to find solutions to this challenge and to make recommendations to policy makers to improve educational outcomes for system-involved youth.

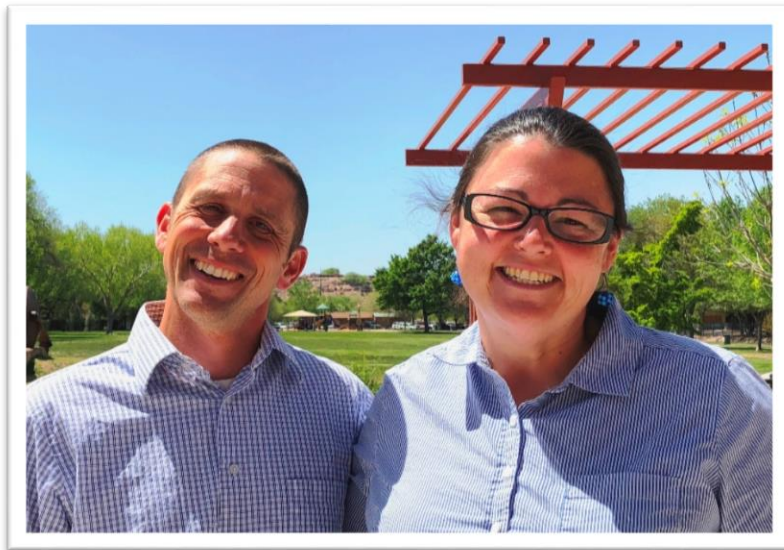
The work of the Commission is difficult, but also extremely exciting. We continue to recognize that all of us, including the Commission, must find ways to better engage with families and youth and to authentically involve them in this work. We are looking forward to another productive year ahead, including challenging ourselves and others to work across traditional barriers and silos to authentically engage with systems and community partners.



Ezra Spitzer



Judge Jennifer DeLaney



History and Introduction

In 1993, the federal government through the Health and Human Services Department created a Court Improvement Project (CIP) grant to enhance the court's role in achieving stable, permanent homes for children in foster care. Since 1995, New Mexico has applied for and received CIP grant funds. Oversight of the Court Improvement Project funding and administration continues in partnership with the Administrative Office of the Courts and by the CCIC Leadership Team.

The New Mexico Supreme Court created and formally named the Children's Court Improvement Commission (CCIC) to ensure the grant's purpose of court improvement for child welfare. The Chief Justice of the New Mexico Supreme Court appoints a broadly-based Commission to coordinate the CIP purpose and grant funds. This Commission includes judges, state legislators, representatives from protective services and juvenile justice (The Children, Youth and Families Department), attorneys, child and family advocates, educators, service providers, foster parents, youth, and other interested parties.

Traditionally, the Commission had been entirely focused on the improvement and effectiveness of the functioning of courts in child welfare cases. Following the restructuring and strategic planning retreat in June of 2016, the Commission decided it should pursue a broader focus to include and address key issues involving the various agencies which interact directly with the court in child welfare cases.

The previous federal strategic plan covered the 2014-2016 timeframe. Goals pertaining to data-driven and evidence-based processes were achieved along with increased knowledge and improved communication and collaboration between stakeholders. Expediting permanency outcomes was folded into the new strategic plan and submitted to the Federal Grantor in November of 2016, which is currently in place for the Federal 2017-2019 grant years.

Vision and Mission

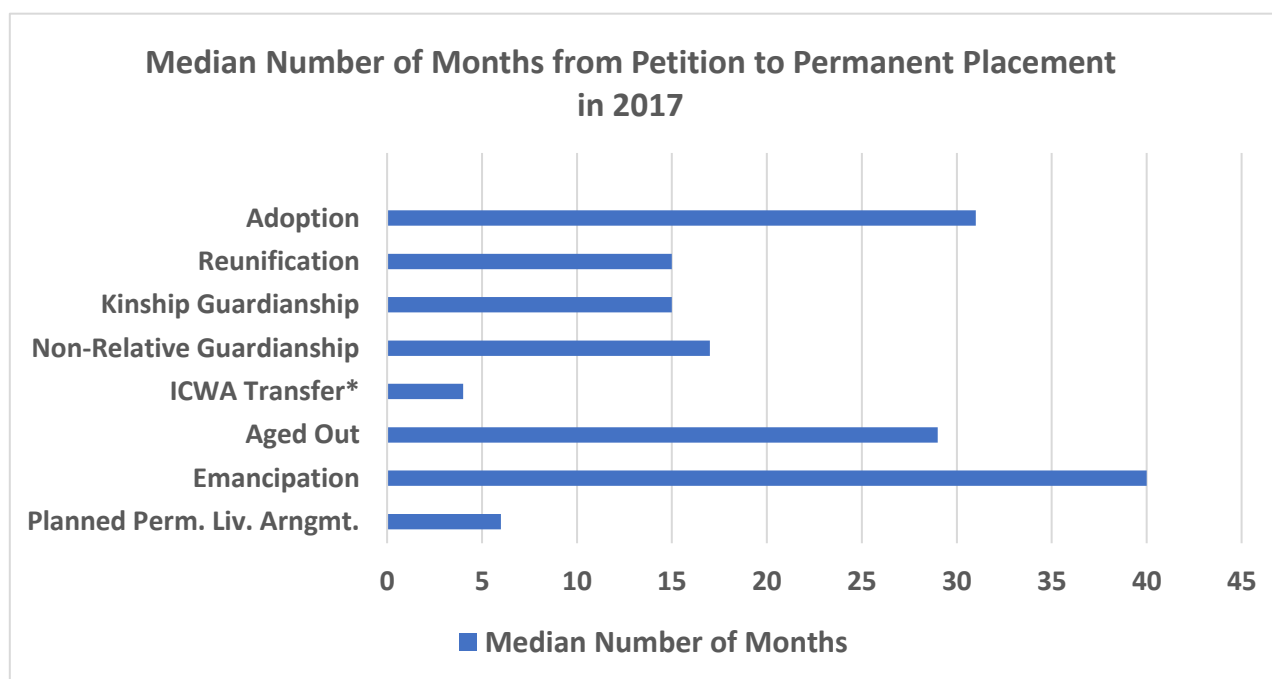
The mission of the New Mexico Children's Court Improvement Commission is "to improve the safety, permanency, and well-being of children and families involved in Children's Court proceedings by developing innovative initiatives through court, agency, and stakeholder collaboration." The participants of the CCIC form a strong and diverse coalition who meet at least quarterly to collaborate and improve New Mexico's child welfare and juvenile justice systems. The Commission envisions a seamless system which provides for the safety and health of all children and families throughout New Mexico.

Values

The CCIC's shared values include:

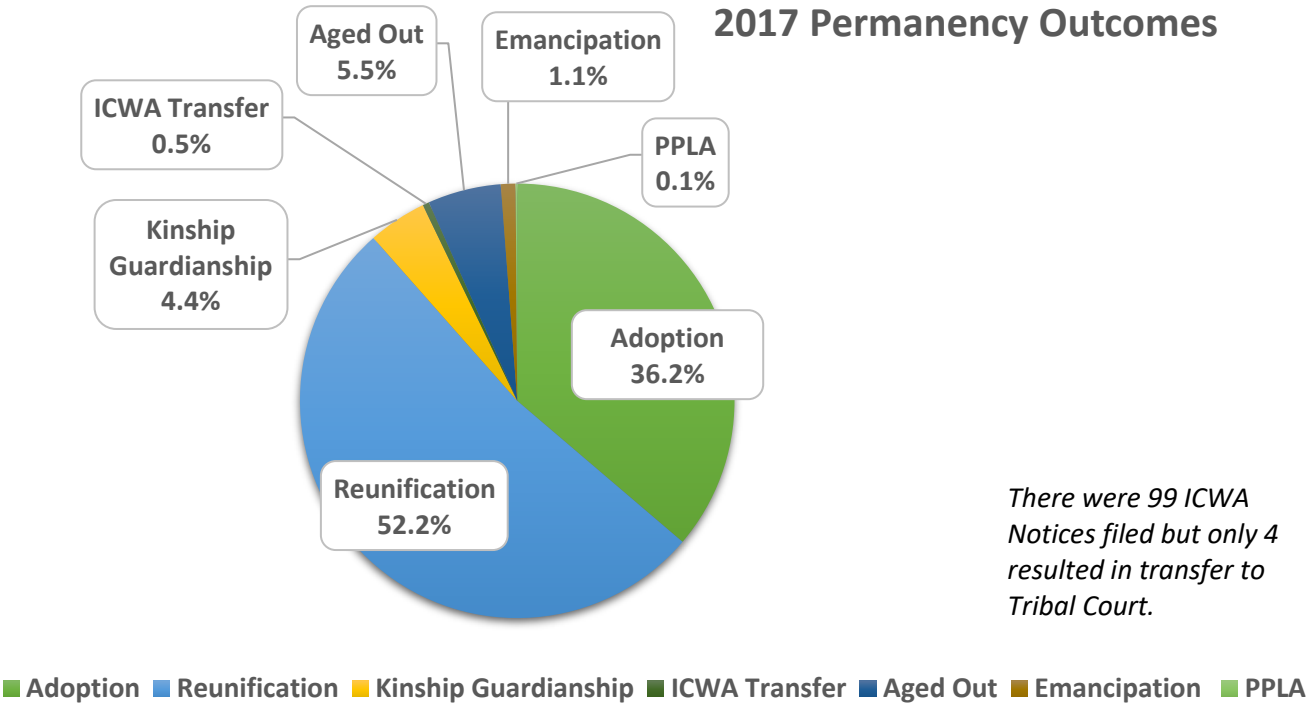
- We value all children and families in New Mexico and believe that they all deserve support
- We value non-duplication of work, instead seeking to be innovative in our initiatives and approaches
- We value the diversity and voice of our members, stakeholders, partners, children, and youth
- We value acknowledging existing efforts and then developing strategies to complement and leverage them (not to compete or overshadow)
- We value envisioning and building holistic, collaborative systems
- We value race, gender, and sexual orientation equity

New Mexico Permanency and Outcomes at a Glance:

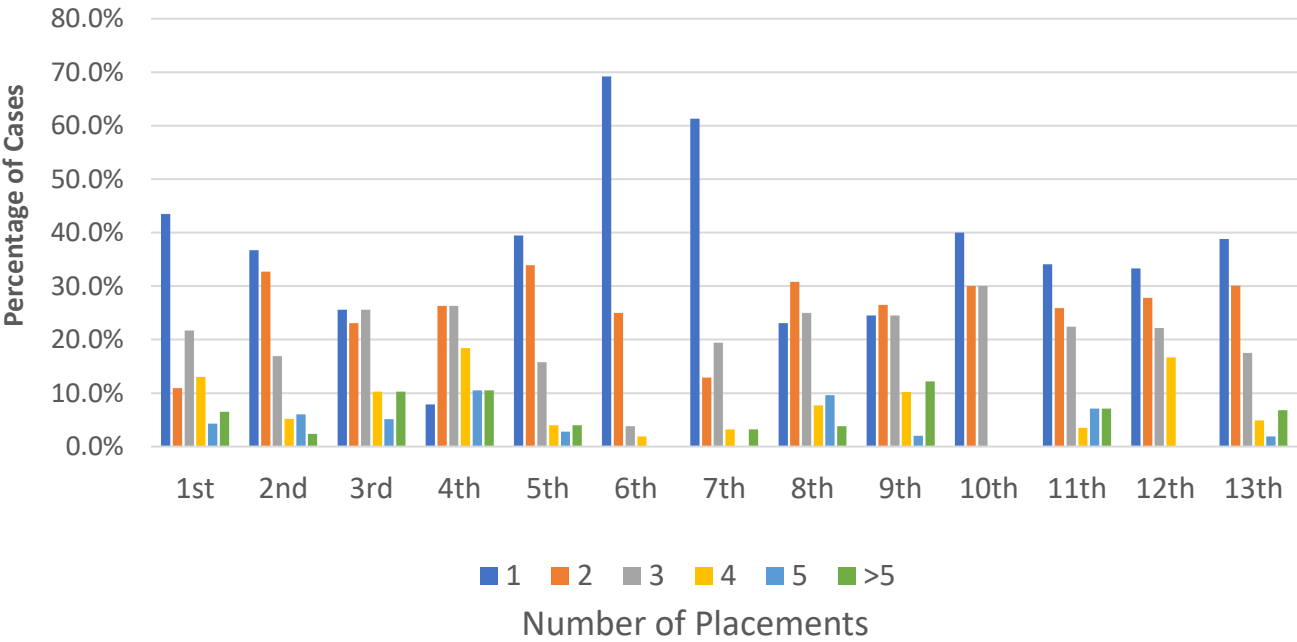


** ICWA data shows the median number of months from Petition to Transfer of Venue, which closes the District court case but does not show the final outcome of permanent placement, if any, done in Tribal Court. Note: data is either not being reported (clerks docketing under a different document code) or not accurately extracted from Odyssey (the parameters of the report/source of the data is unclear), resulting in both gaps in the district numbers and possibly, incorrect numbers reported. See source chart above.*

2017 Permanency Outcomes



Number of Placements Per Judicial District



The chart below represents the number of child placements statewide in 2017.

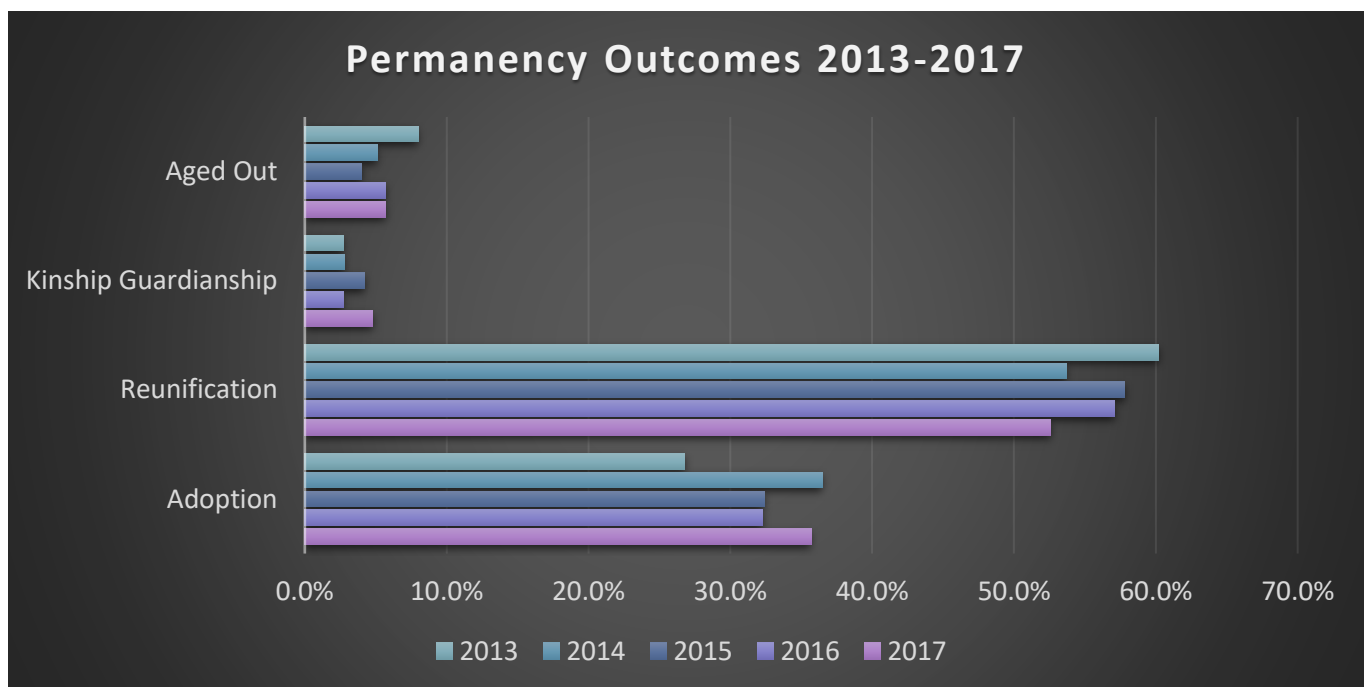
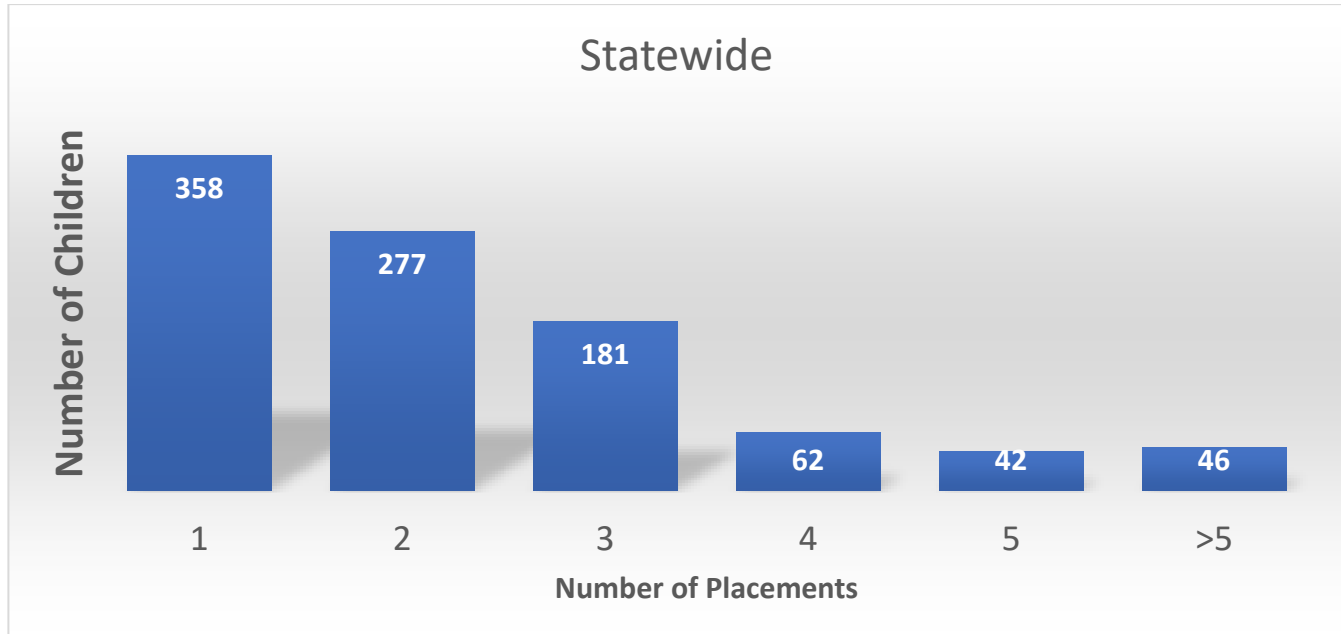


Chart above shows permanency outcomes from **2013-2017**, based on the percentage of total children. The chart shows the four major outcomes. Other outcomes (planned permanent living arrangement, non-relative guardianship, ICWA transfer, and emancipation) together accounted for 1% of the total outcomes. Of particular note is the increase in adoptions in 2017 from the previous two years.

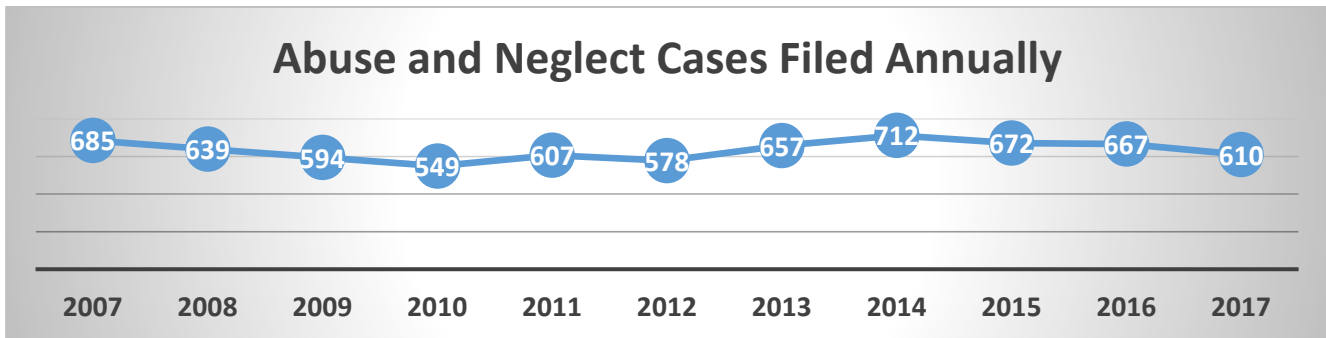


Chart above tracks the number of new CYFD abuse and neglect petitions filed annually over the last 10 years.

Court Improvement Project Training Initiatives

The Corrine Wolfe Children and Family Law Center was originally established in 1997, as the Corinne Wolfe Children’s Law Center at the Institute of Public Law, University of New Mexico School of Law, by the New Mexico Supreme Court Foster Care Task Force (now the Children’s Court Improvement Commission) to increase the effectiveness of judicial proceedings under the Children’s Code by providing law-focused, interdisciplinary training, educational resources, and technical assistance to the professionals and volunteers who participate in those proceedings (including judges, lawyers, social workers, Court Appointed Special Advocates, probation officers, service providers, and others).

In 2016, the Center changed its name to better reflect their work, which has always focused on improving justice and outcomes for New Mexico's children and families. By expanding the name from “children’s law” to “child and family justice” we have also broadened our scope to provide training and education activities on preventative, holistic lawyering that addresses health harming legal needs and that will help keep children and families out of costly systems like the child welfare, juvenile justice, and behavioral health systems. Finally, with special funding from the W.K. Kellogg Foundation, we have expanded our work to include law students. This work is a strategic effort to combat child and family poverty and improve well-being by increasing the diversity of law students and graduates dedicated to careers working on behalf of vulnerable children and families with pipeline activities, curricular enhancements related to children and families, and financial supports (such as scholarships, stipends, post-graduate fellowships, and loan forgiveness).

In 2017, we continued many long-standing projects and engaged in exciting new and expanded activities. While many of our activities continued to include training and education, we have been shifting our efforts recently in two significant ways. First, to

respond to the budget and time limitations of those we serve, we provided more distance learning opportunities. These include free-standing educational programs that can be accessed on our website whenever they are needed (such as our interactive flow chart and educational videos), as well as regularly scheduled and periodic webinars and videoconferences, which allow brief training to occur without great expense or travel by the participants. Second, we increasingly provided local, specialized technical assistance and training that better meets the unique needs of individual communities, and that helps systems and individuals incorporate into their everyday work the best practices and new ideas that we describe in our trainings.

More specifically, in 2017 the Center used Court Improvement Project funds to:

1. Offer a comprehensive 4-part approach to supporting children’s court judicial officers that includes:

- a. An in-chambers orientation to children’s court for judges and their staff within 30 days of taking the bench;
- b. A mentoring program;
- c. Essential Information for Practicing and Presiding in Child Welfare Cases, our 2+ day “core” training for attorneys and judges new to Children’s Court. For over ten years, this comprehensive, intensive training has better prepared judges and attorneys alike to participate effectively in New Mexico’s civil abuse and neglect proceedings, which involve significant interests like child safety and the child’s and parents’ fundamental constitutional right to their family relationships; and
- d. Ongoing videoconferences for judges and hearing officers, which provide an opportunity for peer-to-peer learning in a confidential environment. This year, the videoconference included:
 - i. Current Protective Services Drug Testing Processes;
 - ii. Ensuring access to justice: A conversation with judicial officers about evaluating and ensuring adequate and zealous representation; and
 - iii. The Child is Born for the Tribe: A Tribal Social Work Perspective on ICWA.

2. Provide a comprehensive approach to supporting attorneys for parents and children in child welfare cases, that includes:

- a. A cohort-model of mentoring for attorneys new to child welfare that provides monthly webinar meetings hosted by two experienced child welfare attorneys, as well as monthly consultations by one mentor with each protégé;
- b. A series of webinars for attorneys (some for contract attorneys only and others for contract attorneys and CYFD attorneys), including:
 - i. The Child is Born for the Tribe: A Tribal Social Work Perspective on ICWA;
 - ii. Normalcy and Prudent Parenting; and
 - iii. Current Protective Services Drug Testing Processes;
- c. Core training; and
- d. Individual technical assistance upon request.

3. Update existing and develop new online and print resources. In 2017, we:

- a. Created “Key Moments in Child Welfare Cases,” a new series of very brief online videos that demonstrate best practices for typical moments in child welfare hearings (including, for example, reading of rights, excluding individuals from the courtroom, making findings of fact at adjudication, and taking a relinquishment). The videos are designed for judges new to the child welfare bench, but are also useful for attorneys and others, including parents and children who will be attending court. The videos are accompanied by text describing important points to watch for in the videos, as well as references to relevant points of law;
- b. Updated our interactive, online child welfare flowchart, which provides a basic overview of each stage in an abuse or neglect cases, intended for law professionals, social workers, and members of the public, including parties in these cases;.
- c. Updated the Indian Child Welfare Act bench card to reflect the 2016 ICWA Final Rule and Guidelines, as well as NM case law, statutes, and rules; and
- d. Wrote two updates to the NM Child Welfare Handbook (in January and July).

Using state appropriated funds, grants, and contracts, the Center engaged in considerable programming and resource development. In 2017, we:

1. Provided intensive training, technical assistance, and new resources specifically aimed at improving outcomes for infants and young children in the child welfare system. This effort included multidisciplinary localized meetings in every judicial district in the state that has an Infant Mental Health Team; multiple law-focused training opportunities with Infant Mental Health professionals across the state, including a 3-part series on the fundamentals of the legal system, the law impacting infants and families in the child welfare system, and training on testifying as an expert witness; 2 days of live, in-person training for all professionals and volunteers involved in Children's Court (called Infant Mental Health: Strengthening Families to Support Healthy Families—Integrating Infant Mental Health Consideration into Children's Court); and development and publication of 2 substantial new print resources, "Addressing Mental Health Concerns for Infants & Young Children in the Child Welfare System: What NM Attorneys and Judges Need to Know" and "Infants & Young Children in Foster Care: Considerations at the Intersection of Infant Mental Health and the Child Welfare System."
2. Developed and delivered training for CASA Directors on the meaning and application of "best interests of the child."
3. Co-sponsored the annual Children's Law Institute and provided the annual legal pre-session for lawyers and judges, which focused on motivational interviewing in 2017;
4. Provided a child-focused workshop at the annual Judicial Conclave (focused on implementation of the Every Student Succeeds Act in New Mexico).
5. Hosted 4 active listservs (one for NM guardians ad litem and youth attorneys, one for NM respondent attorneys, one for NM CASA volunteers and staff, and one international listserv for children's court mediators and mediation programs).
6. Updated our "forms bank" for contract attorneys.
7. Created online training for Safe Exchange and Supervised Visitation providers.

The Center participated in many state and national system improvement activities. For example, The Center Director serves on the Children's Court Improvement Commission (CCIC), where she is on the Commission's Leadership Team and co-chairs the Commission's Protective Services Committee. This Committee has been actively seeking solutions to delays in completing Termination of Parental Rights proceedings once a child's permanency plan is changed to adoption, informally known as the "TPR Bottleneck." To this end, she helped facilitate a webinar-based focus group discussion to identify causes of the TPR Bottleneck in the state, as well as two meetings to develop local solutions in the Second and Sixth Judicial Districts.

The Director also participates in many groups focused on improving outcomes for Native American children, including the national ICWA Constituency Group, the NM Tribal-State Judicial Consortium, the NM Partners Group, and the NM Tribal Indian Child Welfare Consortium.

The Director engages in a number of other state and national fora that support the CCIC's work and inform all of the Center's work, including participation in the NM Children's Court Rules Committee, the FosterEd Advisory Group, the Attorney Work Group of the National Child Traumatic Stress Network (helping to draft two resources on trauma informed practice for attorneys in child welfare and juvenile justice cases), and as co-chair of the Quality of Representation Work Group of the national Family Justice Initiative, which works to ensure that every parent and every child has access to high-quality legal representation when courts make life-changing decisions about their families. The Quality of Representation Work Group has just published a set of attributes that are necessary for high quality representation of children and parents and will soon publish a "how-to" document for states looking to improve their model of representation.

Finally, the Center continued to spearhead the School of Law's long-term strategy to improve racial equity, health and well-being outcomes for New Mexico's most vulnerable children. With a multi-million dollar, multi-year grant from the W.K. Kellogg Foundation, in 2017, the Center:

1. Supported a number of outreach and pipelining activities to draw a more diverse group of students to the law school who are committed to legal careers working with children and families;
2. Supported students and faculty in the Child and Family Justice Clinic, in which law students represent clients and engage in law-focused projects, such as the Immigrant Child Safety Project, the Youth Racial Justice Project, the LGBTQ Youth Project, and the UNM Campus Sanctuary Project;
3. Hosted five "Social Justice Lunchbox" events, which focused on issues faced by vulnerable children and families, social justice, racial equity, and skills and approaches necessary for effective social justice lawyering not otherwise covered in traditional law school classes);
4. Selected and mentored the first group of Child and Family Justice Advocates, 8 students who began law school in August 2017 with financial support and a specialized academic program; and

5. Selected and mentored two fully-funded 2-year post-graduate Corinne Wolfe Fellows for Transformative Advocacy. These Fellows began their work in fall 2017 at NM Legal Aid and Institute Legal.

Legal Representation for Parents and Children in New Mexico

Legal representation for parents and children involved in abuse and neglect cases in New Mexico is general-funded and all attorneys are contracted through the Administrative Office of the Courts. The CCIC worked tirelessly prior to 2016 to develop a compensation structure that would foster quality legal representation for children and parents. In January of 2017, the Administration for Children and Families released an Information Memorandum¹ emphasizing the importance of high quality legal representation in helping ensure a well-functioning child welfare system. The memorandum also highlights important research, identifying best practices and strategies to promote and sustain high quality legal representation for all parents, children and youth, and child welfare agencies in all stages of child welfare proceedings. Particularly notable in the memorandum were the models of representation that exist nationwide and structural best practices that foster high quality legal representation.

The three models highlighted include:

- Centralized state/county government offices;
- Independent legal offices specializing in child welfare law; and
- Independent contractors appointed to child welfare cases (New Mexico).

Best Practices to Ensure High Quality Legal Representation include:

- Adopt, implement, and monitor attorney standards;
- Implement binding authority or constitutional protections for parents and children and their right to counsel;
- Require mandatory initial training;
- Require mandatory subsequent trainings;
- *Develop a formal oversight system for parents and children's attorneys;*
- *Support adequate payment and benefits to professionalize this type of practice; and*

¹ Administration for Children and Families (2017). Information Memorandum: *High Quality Legal Representation for All Parties in Child Welfare Proceedings*, <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>

- *Support a payment system that promotes high quality ethical representation and discourages large caseloads.*

While New Mexico has implemented the first four items on the list above over the past several years, the italicized items need attention. The models of parent representation the memorandum recommends are from Washington, Michigan, and New York.

Washington houses their parent attorneys at the Public Defender’s Office. The Office of Public Defender (OPD) oversees performance, caseload limits, social worker assistance, and additional resources. The program has been studied since 2010, finding significant increase in the rate of reunification. Washington also utilizes a parent mentoring program called “Parenst4Parents”² using former system-involved parents (who successfully reunified with their child) as mentors to parents entering the system for the first time.

Michigan provides legal and social work advocacy for parents to ensure children do not needlessly enter the foster system. The Detroit Center for Family Advocacy³ receives referrals directly from their child welfare agency, based on the belief that early intervention by a multidisciplinary legal team can prevent kids from unnecessarily entering foster care. The program was evaluated over three years and of the cases that came in 98%, used the multidisciplinary approach and none of those children were removed from the home.

New York houses the Center for Family Representation⁴, which is another example of the multidisciplinary team (attorney, social worker, and parent mentor) working with parents to successfully reunify families. Similar offices for children’s representation are successfully running in Pennsylvania and Wyoming.

The CCIC has turned its attention away from tackling the compensation structure, instead focusing more on the “multidisciplinary teaming” model of representation that is like those described above in New York and Washington. This model gives attorneys access to social workers (who are not working for CYFD) to help engage parents early in the case to increase reunification, to ensure that issues are properly addressed, and to help the overall flow of a case.

This model is currently being piloted in the 13th Judicial District, specifically in Valencia and Sandoval Counties, as well as in the 2nd Judicial District, where a social worker has taken a small number of cases under what is referred to as the “Family Support Services

² <http://www.washingtonstatepac.org/about-us.html>

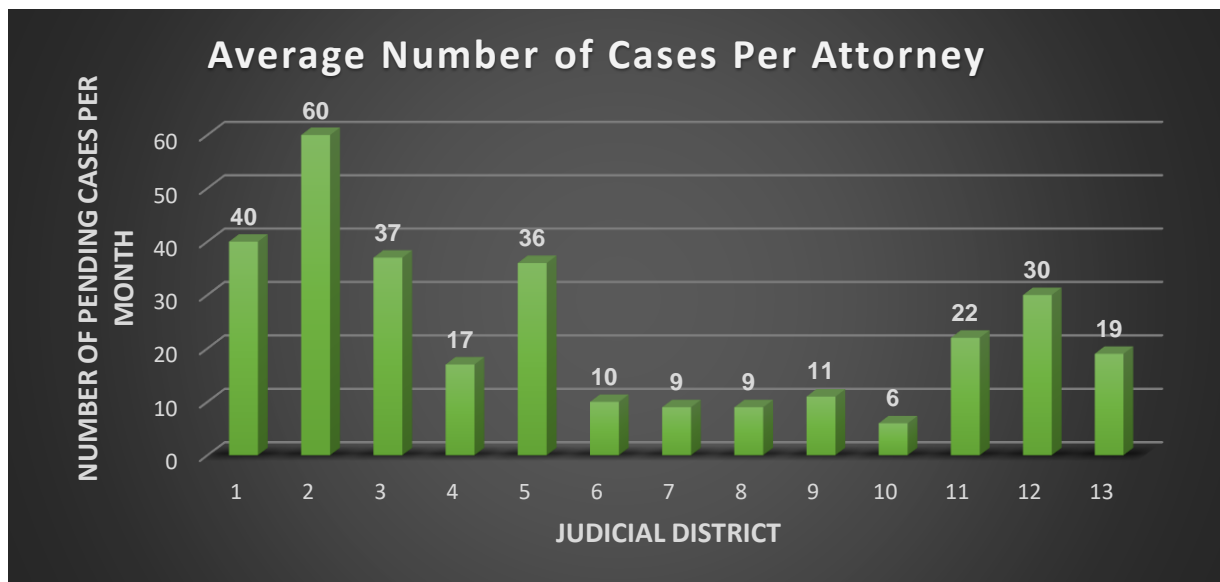
³ <http://detroit.umich.edu/centers-initiatives/highlights/promoting-safe-and-stable-families-detroit-center-for-family-advocacy/>

⁴ <http://www.cfrny.org/>

Program.” The Court has several employees and contracts with licensed social workers who work with parents on engagement and overall case facilitation.

Finally, in 2017, Court Improvement Project grant funds were used to provide copies of the ABA’s newly published *Representing Parents in Child Welfare Cases*, to New Mexico’s parent attorneys. This book helps everyone understand what good parent representation looks like and why that representation is so important. Martin Guggenheim, one of the nation’s top child’s rights and family law experts co-authored the book had this to say about the importance of lawyers in this field. “We don’t just win judgments for some monetary award. We save families—the most important relationship in the world. We make it possible for children to be raised in their homes and for parent and adult caregivers who love their kids to have the great joy and human right to raise them. It’s hard to think of something of greater importance.”⁵

Court Appointed Attorney 2017 Data Points



Beginning in July of 2017, all of the contracted court appointed attorneys were paid by their reporting caseloads in the courts’ database. The attorneys were limited to carrying a maximum of 75 cases.

⁵ ABA, Child Law Practice Vol. 35, January 2016 ‘*Representing Parents in Child Welfare Cases -- Inside the Book with Martin Guggenheim and Vivek Sankaran*’ by Claire Chiamulera. For full interview see: https://www.americanbar.org/groups/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/january-2016/representing-parents-in-child-welfare-cases--inside-the-book-wit.html

CCIC Restructured Framework in 2017

The Children's Court Improvement Commission began a new strategic planning process in 2016 to identify and develop critical initiatives that could be collaborated and worked on through the participation of multi-agency Commission members.

At the top of the organizational chart is the New Mexico Supreme Court. Co-chairs, Judge Jennifer DeLaney and Ezra Spitzer, oversee the Children's Court Improvement Commission and its Leadership Team. There are four sub-committees within the Commission worked throughout 2017, establishing outcomes and priorities. Sarah Jacobs triples her role as Program Manager for the Court Appointed Attorneys, the Court Improvement Project, and the Court Appointed Special Advocate Programs with assistance from her AOC staff, Heather Nash (CAAFF) and Jennifer Vieira (CIP/CCIC/CASA).

CCIC Committee Work and Accomplishments

Leadership Team

Co-Chairs: Judge Jennifer DeLaney, 6th JDC and Ezra Spitzer, NMCAN *Members:* Beth Gillia, CWCFCJ, Jennifer Saavedra, CYFD, Sarah Jacobs, AOC and Senior Justice Petra Jimenez-Maes, New Mexico Supreme Court

Priorities include:

- *Commission operations*
- *Racial equity*

In order to improve Commission operations, this group accomplished the following:

- Agreed to structure, organization, and chain of command of the Commission
- Identified and developed clear roles of the co-chairs. Responsibilities include providing feedback and support to AOC staff on the following: scheduling meetings; setting and following agenda; minutes; updates to CCIC Leadership on progress of subcommittee, etc.
- Establishing Leadership Team calls prior to each quarterly meeting to finalize agenda and any outstanding issues;

- Structuring quarterly meetings to include the following format: introductions; review and approval of minutes; presentations, as requested from a subcommittee or other outside interested agency, for example, CYFD presented on their Program Improvement Plan (PIP), the Juvenile Justice Committee organized Georgetown University to present on the crossover youth practice model; working lunch, provided at each quarterly meeting by Casey Family Programs; subcommittees have one hour of work time, and finally after which everyone comes together and each subcommittee presents on their current progress;
- Communicating regularly (typically via listserv) for meetings and any other information; and
- Hiring of a data statistician to directly support the data needs of the Court Improvement Project and the initiatives of the CCIC in child welfare. The Leadership Team met several times with the New Mexico Supreme Court and the Judicial Information Division (JID) to discuss hiring a position that would be 50% funded by the Court Improvement Project Grant and 50% funded through JID (to work on other court data projects). The Child Youth and Families Department houses data specialists for collection and analysis of its data. In contrast, the Courts do not have a specialized person to focus specifically on child welfare data at the court level. Currently, the courts submit monthly error reports on their child welfare data, however, CCIC and the Courts have been lacking the resources to thoroughly and properly gather and analyze the data. Further, the parameters of the Odyssey court filing system cannot be easily changed to accommodate for the evolving data needs in child welfare cases. It is hoped that the new statistician can provide the needed expertise to remedy the ongoing need for accurate and relevant data. Interviews began in October and continued through December of 2017 with the expectation of hiring in 2018.

The Leadership Team was involved in a significant amount of travel provided by the CIP grant funds to gain the foundational knowledge needed in building the multidisciplinary model. Activities included:

- Attending the CIP Regional Conference in Denver, Colorado hosted by the Children's Bureau, Capacity Building Center for Courts, Capacity Building Center for States, and the Center for Tribes. The Conference lasted three days and was centered around the joint project (between the courts and CYFD) included in the Strategic Plan submitted in November 2016. New Mexico chose to address delays in permanency and specifically to address the Termination of Parental Rights backlog of cases throughout the state. The Leadership Team worked together with the federal and CYFD liaisons to create an action plan to move forward on the project. Specifically, the Protective Services Committee would identify the districts where the delay in TPR filing was the most substantial. Once the districts were identified,

the group would travel to those locations and hold special focus groups. Local stakeholders would be invited to discuss reasons for the delays and possible solutions with any action steps that could be directly supported by the Commission.

- A site visit to Seattle was conducted due to the state of Washington being identified nationally as a state with high parent engagement and high quality legal representation in abuse and neglect cases. Two members of the leadership visited:
(1) The Children’s Home Society, which houses the Parent4Parents program, a statewide program that pays for system-involved parents who were reunited with their children to serve as mentors for parents entering the child welfare system. (2) the Public Defender’s Office, which houses all of the parent attorneys in the state and who also have access to social workers. The Public Defender’s Office was able to successfully secure significant funding from their state legislature to ensure adequate and consistent representation for parents involved in child welfare cases. (3) The Child Youth and Advocacy Center at the University of Washington Law School has several contracts and grants, but specifically contracts with the Court Improvement Project, to provide training to judicial personnel in child welfare cases.
(4) The Center for Children and Youth Justice provides collateral representation for parents involved in child welfare cases, and they are able to provide assistance in housing, custody, domestic violence, etc.
(5) The team met with Washington State Representative, Ruth Kagi, who was instrumental in helping the state secure funding for the Parents4Parents program and provided continued advocacy for quality parent representation in child welfare cases. The team was able to refocus some efforts toward the multidisciplinary model of representation that is currently being piloted in the 13th Judicial District and begin initiatives around parent engagement.

Juvenile Justice

Co-chairs: Supreme Court Justice Barbara Vigil and Alison B. Pauk, Assistant Public Defender, Albuquerque Juvenile Division

Priorities include:

- *Crossover youth*
- *System transitions*
- *Expedite permanency*
- *Racial equity*

The Children’s Court Improvement Commission’s Juvenile Justice Committee has embarked on an initiative to improve system functioning and outcomes for crossover youth

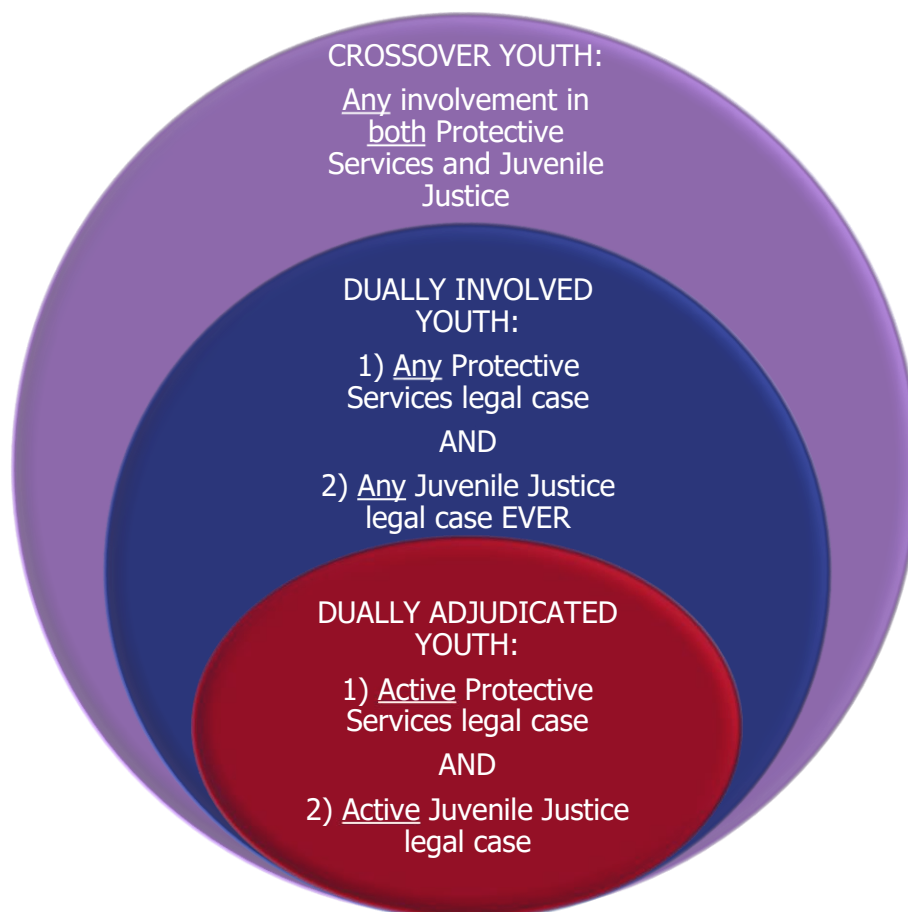
- youth that crossover between the child welfare system and juvenile justice systems. The goal of the Crossover Youth Project (CYP) is to develop and implement an integrated infrastructure designed to increase the opportunities for crossover youth to achieve success.

The committee is committed to three guiding principles:

- Be tenacious in seeking sufficient resources to conduct a meaningful assessment of overlap between the child welfare and juvenile justice systems;
- Create opportunities for collaboration between state and local entities; and
- Facilitate a comprehensive understanding of the unique experience crossover youth face due to their dual status in both the child welfare and juvenile justice systems.

As the committee strives to develop initiatives designed to improve outcomes of New Mexico's crossover youth your ideas, suggestions and support are welcomed and encouraged.

NMCCIC's Juvenile Justice Committee's Definitions for Youth Involved in Delinquency and Protective Services



The Juvenile Justice Committee met seven times throughout 2017. Members include the following: Co-chairs, Supreme Court Justice Barbara J. Vigil and Alison B. Pauk; Commission members, Ted Lovato, Tamera Marcantel, Anne Ryan (resigned); AOC Staff Attorney, Sarah Jacobs, along with the following recently recruited, James Cowan, Bill Jordan, Elizabeth Hamilton, Cantrell Mosley, and Dr. Jeffrey Toliver (replacing Jeremy Howard).

The Juvenile Justice Committee Progress included:

- a. Crossover Youth: The main focus of the Juvenile Justice Committee has been Crossover Youth. The Committee gathered data (via Jeremy Howard at CYFD) regarding how many youth were in both systems at any given time and other pertinent information. In November of 2017, there were approximately 41 children involved in both child welfare and juvenile justice simultaneously. The Committee created a definition for crossover youth in New Mexico including a chart (*See chart above*).
- b. One-child, One-judge: The Committee discussed the need for one judge to be assigned to both the delinquency and dependency cases for dual status youth. Justice Vigil created and sent a survey to the various judicial districts to see how the judges felt about this requirement and what barriers would prevent one judge from hearing both cases; most districts were amenable to the idea. The possibility of asking the Children's Court Rules Committee to draft a rule was also discussed. It was ultimately decided that a gentle reminder, via a letter from Justice Vigil, would be sufficient at this time. This letter discussed the requirements laid out in Section 32A-1-3(G) NMSA, stating that, "[W]henever possible, a single judge hears all successive cases or proceedings involving a child or family."
- c. Crossover Youth Practice Model (CYPM): The Committee researched and found a program called the "Crossover Youth Practice Model," created and implemented by the Center for Juvenile Justice Reform at Georgetown University. The Center for Juvenile Justice Reform at Georgetown University has developed a model to improve outcomes for youth who are dually-involved in the child welfare and juvenile justice systems. The model utilizes a research-based approach to assist child welfare, juvenile justice and the courts in adopting policies and practices that better address the needs of these children. In general, the vast majority of children will first touch the child welfare system and then the juvenile justice system. This model is generally focused on collaboration between systems, diversion, and prevention and considers risk factors, manpower, and resources. Emphasis is on empowering line staff and families⁶.

⁶ Center for Juvenile Justice Reform (2015). The Crossover Youth Practice Model Abbreviated Guide. Washington, DC: Georgetown University McCourt School of Public Policy. Retrieved from <http://cjjr.georgetown.edu/wp-content/uploads/2015/07/CYPM-Abbreviated-Guide-2015.pdf>

- d. Other Matters currently in the works:
- i. Combining efforts: This Committee, along with the Behavioral Health Committee, decided that it would be important to combine some of our common efforts. Therefore, Elizabeth Hamilton from the Behavioral Health Committee joined the Juvenile Justice Committee, and Ted Lovato became the liaison on the Behavioral Health Committee.
 - ii. Holistic Attorney Practice Standards: The Children's Court Rules Committee made a referral to the CCIC regarding a request that New Mexico adopt Holistic Attorney Practice Standards for youth represented in delinquency cases. The Rules Committee decided that a rule was not appropriate but referred the matter to the CCIC. Upon review, this Juvenile Justice Committee felt that the CCIC is not the proper venue for creating and establishing rules for attorney practice.

Behavioral Health

Co-chairs: Bryce Pittenger and Wayne Lindstrom

Priorities include:

- *System transitions*
- *Education outcomes*
- *Racial equity*

Members: Bryce Pittenger, CYFD co-chair; Wayne Lindstrom, BHSD co-chair; Elizabeth Hamilton, CYFD; Ted Lovato, CYFD; Jeremy Howard, CYFD; Sandra Gallegos, CYFD; Francine Anaya, CYFD; Annamarie Luna, CYFD; Eva Buchwald, PD office

Meeting dates: June 26, 2017; July 27, 2017 (as part of the regular quarterly meeting); August 22, 2017; September 21, 2017; October 30, 2017 (specific to crossover youth)

Topics Discussed and Actions Taken:

- a. Develop a pilot of "one family one plan" in the judicial districts that uses "one Judge" approach
- b. Presented Geo Mapping Service Array Project to the Commission (Completed March 1, 2018)
- c. Create bench cards for Judges with level of care criteria for RTC's, TFC's, Group Home, Acute Care, Crisis Triage Centers
- d. Develop a training for internal CYFD and external stakeholders regarding:

- Trauma informed/competent care
- Adverse Childhood Experiences (ACEs)
- Social Determinants of Health
- Developmental/neurodevelopmental
- Medical necessity and levels of care; and
- Team with CCIC Juvenile Justice subcommittee to identify Crossover Youth data points and associated protocols for CYFD clinical team (all Crossover Youth are now assigned to a Community Behavioral Health Clinician (CBHC) and have a Child and Adolescent Needs and Strengths assessment (CANS).

Next Steps:

- Develop training;
- Create Bench Cards; and
- Develop pilot with judicial district or county

Education

Co-Chairs: District Judge Angie Schneider-Cook, 12th Judicial District and Grace Spulak, Director of FosterEd New Mexico

Members: Supreme Court Senior Justice Petra Maes, Christina Rutland, PED, Meghan Meed, NM Appleseed, Dana Malone PED, Dr. Kristine Meurer APS, Cynthia Chavers, Federal Reporting Bureau Chief CYFD, Traci Neff, San Juan County Juvenile Services Administrator

Priorities include:

- *Education outcomes*
- *System transitions*
- *Racial equity*

In 2017, the Education Committee and FosterEd Work Group decided to join efforts as their priorities and participants recognized a common overlap of goals and work. Foster ED is national effort to initiate and facilitate multiple state and regional collective impact campaigns, partnering with deeply invested teams of state and local leaders, students, and families to build will and measured progress toward a shared vision for improving the educational conditions and opportunities for this incredible group of young people. Foster Ed in New Mexico was working specifically in the southern part of the state to develop interventions that create barriers to successful educational outcomes for foster youth.

Utilizing the cooperation of the various agencies and stakeholders involved, one of the main priorities for the Education Committee is to support and assist in the education and outreach of the Every Student Succeeds Act (ESSA) throughout the state. Encouraging and fostering data sharing at the state level to track outcomes for young people in foster care and juvenile justice is also a main priority.

In the fall of 2017, FosterEd, PED, and CYFD jointly hosted a webinar to educate about the proposed 2018 New Mexico legislation and on Best Interest Determinations under ESSA. Currently a memorial is in the works for presentation to the New Mexico State Legislature to help youth and children to achieve partial or whole credit when they transition to new schools while in the foster care or juvenile justice systems. In 2018, the Education/FosterEd Committee will continue to work diligently toward educational solutions for the youth and children of New Mexico.

Protective Services Committee

Co-chairs: Beth Gillia and Chuck Neelley

Members: James Sumrow, Parent Representative, Bette Fleishman, Pegasus Legal Services, Shelly Bucher, CRB, Sarah Blackwell, CYFD, Hon. James Starzynski, GAL representative, Senator Linda Lopez, Francine Anaya, CYFD, Sarah Meadows, CYFD, Karla Young, CYFD, Bill Hassley, Foster Parent Representative, Sarah Jacobs, AOC

Priorities include:

- *Expedite permanency*
- *Racial equity*
- *ICWA*
- *System transitions*

The committee focused on two main initiatives: (1) developing strategies to end the TPR backlog; and (2) improving compliance with ICWA's active efforts requirement through Peacemaking.

Peacemaking Courts:

The committee began exploring Peacemaking Courts and how they could help improve outcomes for New Mexico's youth. Peacemaking is rooted in fundamental principles that humans are deeply connected to one another and their communities. Peacemaking is most similar to mediation and restorative justice but differs in that its purpose extends beyond settlement and beyond accountability; it has the additional goals of healing relationships

and restoring ones' place in the family and community. The committee has been exploring how this could fit in New Mexico.

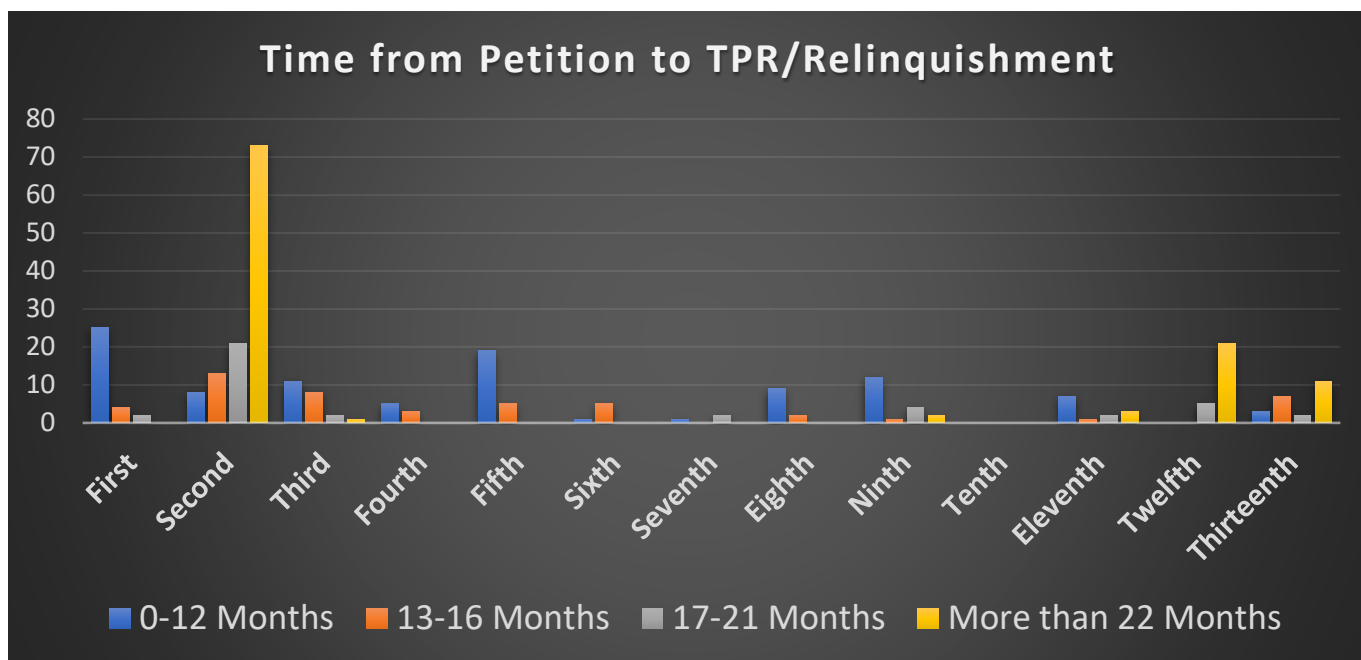
After reading articles, holding discussions with judges, referees, and Court Improvement Project staff in Michigan, and meeting with local stakeholders in Farmington, as well as with Roman Bitsue, the program director of the Navajo Nation Peacemaking Program, Committee members are enthusiastic about piloting a peacemaking project in Farmington, and perhaps in Gallup and Grants, as well. The Navajo Nation Peacemaking Program is willing to provide Peacemakers at their established rates and is also willing to provide training and education to those in the pilot program.

Next steps will include:

1. Determining who is eligible for peacemaking;
2. Deciding at what stages of a case peacemaking would be appropriate. (For example, should peacemaking be offered at the investigation stage/pre-filing/, as part of in-home services? After filing? If after filing, at which stages does it make sense—after the custody hearing or adjudication? As part of case planning, including safety planning?);
3. Establishing a referral process;
4. Finding funding to pay the Peacemakers; and
5. Creating a MOU with the Navajo Nation Peacemaking Program.
6. Working with New Mexico Partners, which is a group of tribal and state leadership in the child welfare arena working collaboratively to ensure compliance with ICWA.

Termination of Parental Rights (TPR) backlog:

The Protective Services Committee conducted a web-based meeting with stakeholders from the 2nd, 6th, and 12th Judicial Districts to help identify the major causes of the TPR Backlog. The districts were chosen based on the data below. The 2nd and the 12th Judicial Districts had the most cases, taking more than 22 months to reach TPR or a relinquishment. The meeting was facilitated by Scott Trowbridge, Sarah Jacobs, and Beth Gillia. At its last meeting, the Committee reviewed the findings of the web meeting and decided to hold meetings in each of these three Districts to do two things: (1) rank the causes of the backlog (to determine which factors are most likely causes of the backlog, as well as which factors will be most readily addressed); and (2) generate possible solutions.

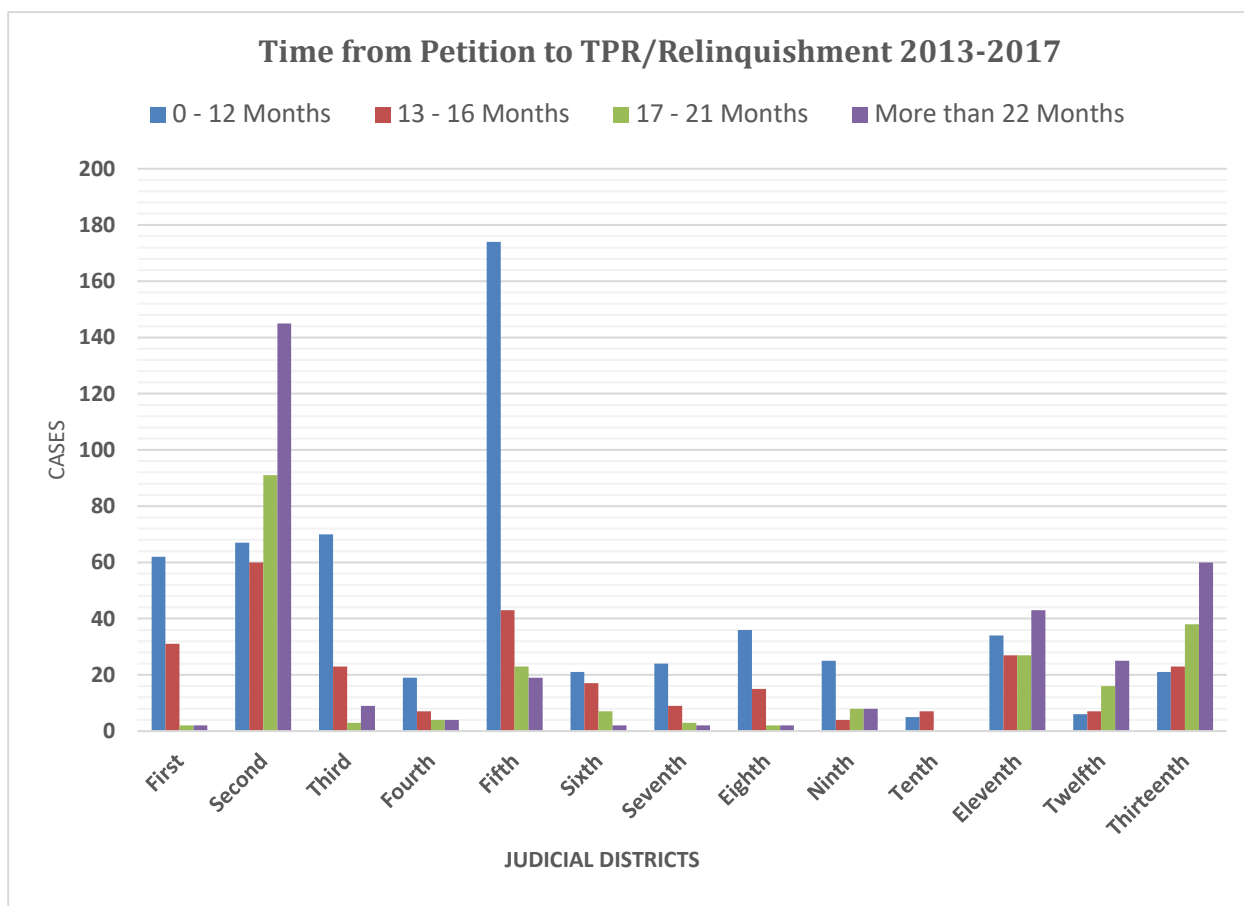


The protective services committee convened two focus groups, one in the 6th Judicial District and one in the 2nd Judicial District. Different barriers were identified and analyzed during these focus groups. We have identified the 2nd, 6th, and 12th Judicial Districts as locations where there is a delay in TPR filings or a delay in holding the hearings.

1. An Adobe connect call was held with the assistance of the CBCC which included court staff, judges, parent and child attorneys and department attorneys from the 6th, 2nd, and 12th judicial districts. This call anecdotally identified many issues as the potential cause for delays in TPR filings including:
 - a. High caseloads (for all parties)
 - b. Caseworker turnover
 - c. Delayed parent engagement
 - d. Lack of services
 - e. Crowded court dockets
 - f. Lack of continuity in cases
 - g. Hearings set on multiple days
 - h. Timely filing of the TPR on behalf of the department
 - i. Delayed filing of orders
 - j. Resources available after a child is freed for adoption

k. Delays in full disclosure

1. Time to setting a hearing from the time of request for a hearing
2. CYFD and the AOC are to determine whether data can be collected on timeframe from filing a motion for TPR and the request for setting, from a TPR motion to the actual hearing, from the motion to permanency, timeline from change of plan to TPR, and others. Some are easily attainable others need further investigation. This has a timeline of July. If the information is not readily available in either system, then data investigation within CYFD and the AOC to determine how to easily access these timelines. Otherwise, it is individual case review file. Ability to access these timelines could give a more concrete answer as to where the delay is happening.
3. CYFD and AOC had the plan of determining what data could be collected on a timeframe from the filing of a motion for a TPR and the request for a setting, from a TPR motion to the actual hearing, from the motion to permanency, and the timeline from change of plan to TPR. This data has not been accessible through the courts; however, CCIC planned to hire a statistician who work directly for the courts and the judicial information division to better facilitate data reporting, collection, and synthesis. This process has taken longer than expected but a statistician was hired in April of 2018. This person was briefed on the timelines the protective services committee is seeking to examine and has begun work on how to collect and report this information from the courts perspective. Currently the decision to focus on these districts shows the delays from filing of the actual petition to the TPR hearing. As seen in the chart below. The 2nd district and the 12th district have the most cases with a timeline of longer than 22 months from petition to a TPR or Relinquishment hearing.



4. After the adobe connect call, each district identified was briefed on scheduling a focus group in order to dive deeper into the particular barriers within their districts and to brainstorm possible solutions. Two of these focus groups took place in late 2017 and the 12th district happened in May of 2018.
5. The protective services committee first met with the 6th District. This district, although not identified as having a significant problem with TPR hearings, has a very active children's court judge who serves as the co-chair for the CCIC. The committee felt working in this district first may help to refine the facilitation process and procedure of identifying district specific issues and solutions. Particularly with an invested judge.
6. 6th District
 - a. The initial issues identified by the focus group in this jurisdiction were
 - i. Service

- ii. Inability for attorneys to easily navigate odyssey
 - iii. Appeals process
 - iv. Lack of access to a calendar
 - v. Late parent engagement
- b. The district also identified things that were working well for them
 - i. The court is putting together scheduling orders
 - ii. The judges are holding additional hearings at the initial judicial review and permanency hearings
 - iii. Teaming meetings
 - iv. TCAA's sending out the calendars (on occasion)
- c. The district was able to identify several solutions to the issues identified. The judges would talk with the TCAA's about consistently sending out the judge's calendar. The judges will ask at the 10-day custody hearing for a swearing in order to question about relative and father searches. The district is also aware of a parent mentor program in the 5th Judicial District, which they thought would be beneficial to them.

7. 2nd District

- a. Includes district specific monthly brown bag meetings at the court to move backlogged cases. This is the largest district in New Mexico and carries a significant backlog of adoption cases.
- b. The potential causes identified for the backlog
 - i. Hearings set on multiple days
 - ii. Delays in filing the TPR motion
 - iii. Caseloads are too large (for all parties)
 - iv. Delays in actually setting the TPR hearing
 - v. Lack of relinquishment counseling
- c. The district identified things are working well
 - i. The calendar workgroup

- ii. Identified adjudication
 - iii. Ability to work together
 - iv. Balancing the backlogged cases with the newer cases
 - v. Increased permanent guardianship
 - d. The district was able to identify several possible interventions including status/pretrial conference, improved relinquishment counseling, filing the TPR motion sooner in the case, consolidation of hearings, issuance of supplemental scheduling orders.
8. 12th District
- a. Attorney scheduling conflicts (criminal defense contracts)
 - i. All parties not being present at TPR trials
 - b. Multiple hearing dates
 - c. Rotating judicial assignment
 - d. Docketing conflicts

Strategic Planning Priorities

The strategic plan developed in 2016 will end in June 2019 using the following timeline:

Year 1-July 2016-June 2017

CCIC will undertake baseline department strategic plan reviews and evaluation to determine efficacy of strategic priorities

Year 2- July 2017-June 2018

CCIC will undertake evaluation of 2016-2017 accomplishments to determine 2017-2018 priorities, goals, and actions

Year 3-July 2018-June 2019

CCIC will undertake evaluation of 2017-2018 accomplishments to determine 2018-2019 priorities, goals, and actions. CCIC undertakes baseline department strategic plan reviews and evaluation to determine efficacy of strategic priorities.

Conclusion

The challenges faced by Children's Law professionals in New Mexico are varied and there are best addressed through the collaborative efforts of numerous multi-agency stakeholders. The Children's Court Improvement Commission serves as a vital and inclusive vehicle for system and community participants to jointly discuss and implement evidence-based best practices that enhance outcomes for New Mexico's children and their families.

The Commission respectfully requests that the Supreme Court approve and authorize the continued work of the Commission for the next Federal and State Fiscal Year.



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